

Department of Agriculture, Environment and Rural Affairs (NI)

Freedom of Information audit report

October 2020

Executive summary



Audit Methodology

The Information Commissioner is responsible for enforcing and promoting compliance with data protection legislation, as well as the Freedom of Information Act 2000 (FOIA) and Environmental Information Regulations (EIR). Section 47 of the FOIA provides provision for the Commissioner to assess whether a public authority is following good practice, including compliance with the requirements of this Act and the provisions of the codes of practice under sections 45 and 46. The ICO sees auditing as a constructive process with real benefits for controllers and so aims to establish a participative approach.

The purpose of the audit is to provide the Information Commissioner and the Department of Agriculture, Environment and Rural Affairs (DAERA) with an independent assurance of the extent to which the information handling practices of DAERA, within the scope of this agreed audit, conform with the codes of practices under sections 45 and 46 of the FOIA.

DAERA agreed to a consensual audit by the ICO of its compliance with the FOIA. An introductory telephone meeting was held on 7 September 2020 with representatives of DAERA to discuss the scope of the audit.

It was agreed that the audit would focus on the following area(s):

Scope area	Description
Freedom of Information	The extent to which the information handling practices of DAERA, within the scope of this agreed audit, conform with the codes of practices under sections 45 and 46 of the FOIA.

Audits are conducted following the Information Commissioner's data protection audit methodology. The key elements of this are normally a desk-based review of selected policies and procedures, on-site visits including interviews with selected staff, and an inspection of selected records.

However, due to the outbreak of Covid-19, and the resulting restrictions on travel, this methodology was no longer appropriate. Therefore DAERA agreed to continue with the audit on a remote basis. A desk based review of selected policies and procedures and remote telephone interviews were conducted 13 October to 16 October 2020. The ICO would like to thank DAERA for its flexibility and commitment to the audit during difficult and challenging circumstances.

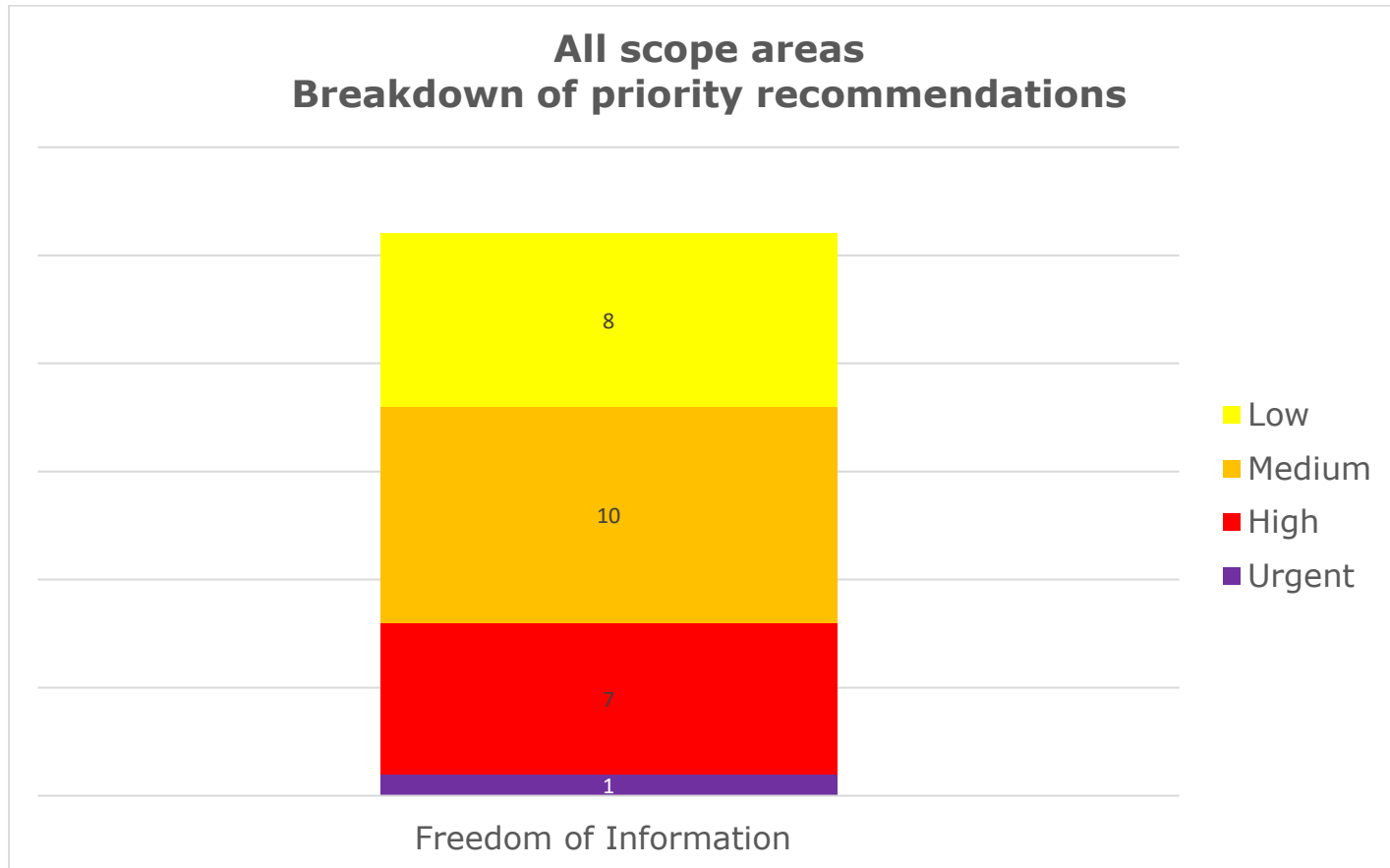
Where weaknesses were identified recommendations have been made, primarily around enhancing existing processes to facilitate compliance with the relevant legislation. In order to assist DAERA in implementing the recommendations each has been assigned a priority rating based upon the risks that they are intended to address. The ratings are assigned based upon the ICO's assessment of the risks involved. DAERA's priorities and risk appetite may vary and, therefore, they should undertake their own assessments of the risks identified.

Audit Summary

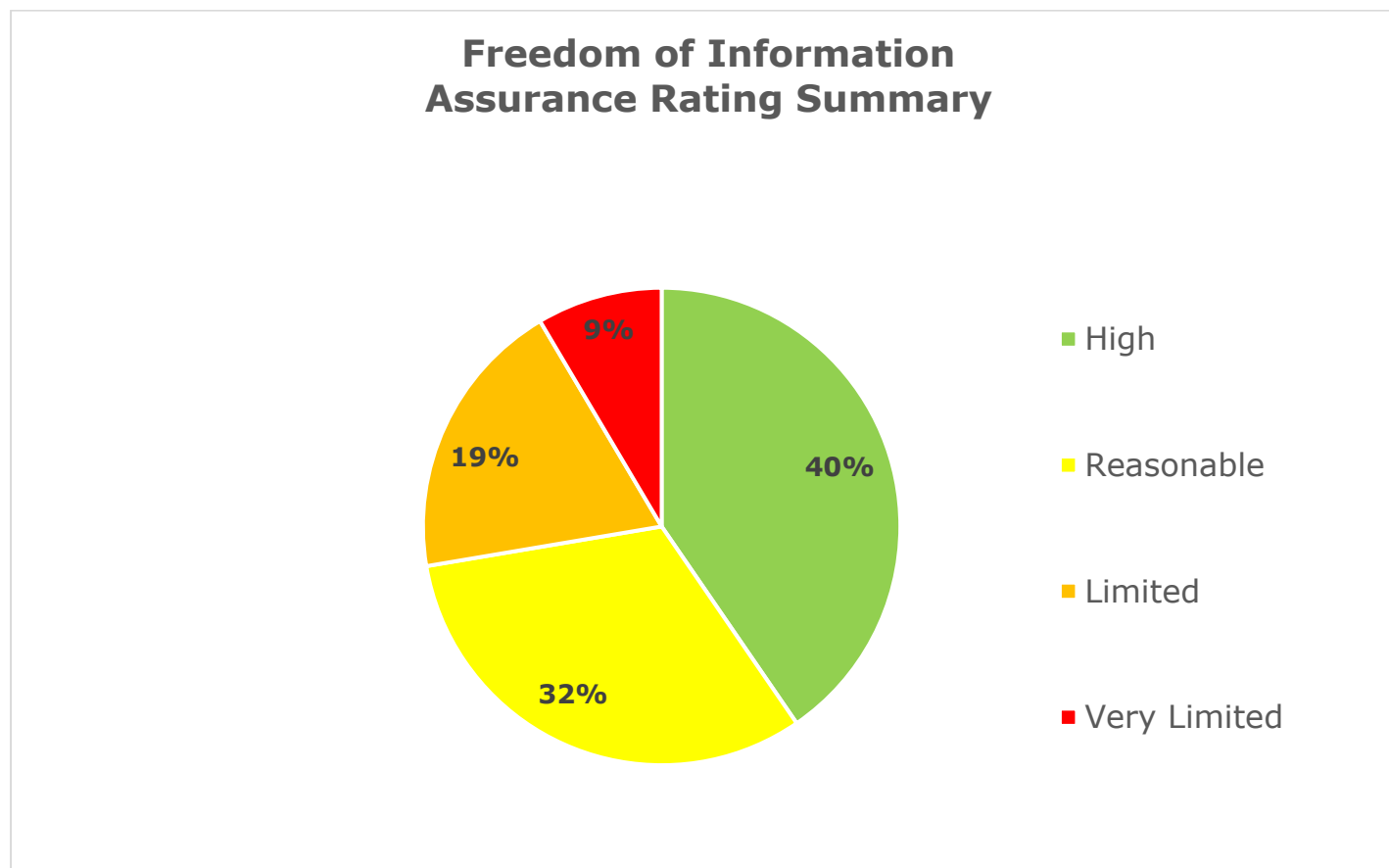
Audit Scope area	Assurance Rating	Overall Opinion
Freedom of Information	REASONABLE	There is a reasonable level of assurance that processes and procedures are in place and are delivering freedom of information compliance. The audit has identified some scope for improvement in existing arrangements to reduce the risk of non-compliance with the relevant legislation.

*The assurance ratings above are reflective of the remote audit methodology deployed at this time and the rating may not necessarily represent a comprehensive assessment of compliance.

Priority Recommendations



Graphs and Charts



Areas for Improvement

- DAERA should ensure that all staff receive mandatory training content on FOI and EIR requests which should be refreshed on an annual basis. A forum should be created for staff who process requests (Decision Makers and Main Decision Makers), to share best practice, continue refresher training on key topics and to provide feedback on policy and procedures.
- Departmental information governance groups should monitor FOI and EIR compliance and adherence to records management policies and procedures. This will help to promote a more holistic approach to the management of information risk.
- The Data Protection and Information Management Branch should implement an evidence-based approach to gain assurance from Information Assets Owners. This is to make sure that risks around information assets are being adequately managed and Northern Ireland Civil Service (NICS) and DAERA policies on information risk and records management are correctly implemented and adhered to.
- DAERA should conduct a formal information audit and data flow mapping exercise in key business areas. This will help to identify what records should be created and retained and reconcile this against information assets registers and file plans. The exercise will also help to identify any gaps in records management policies or procedures.
- The draft Retention and Disposal Schedule did not always provide a reason or justification for the retention period for all types of records. The draft schedule should be updated to include this additional information at next review to ensure compliance with the s.46 Code of Practice, GDPR and DPA18.

Disclaimer

The matters arising in this report are only those that came to our attention during the course of the audit and are not necessarily a comprehensive statement of all the areas requiring improvement.

The responsibility for ensuring that there are adequate risk management, governance and internal control arrangements in place rest with the management of DAERA.

We take all reasonable care to ensure that our audit report is fair and accurate but cannot accept any liability to any person or organisation, including any third party, for any loss or damage suffered or costs incurred by it arising out of, or in connection with, the use of this report, however such loss or damage is caused. We cannot accept liability for loss occasioned to any person or organisation, including any third party, acting or refraining from acting as a result of any information contained in this report.

This report is an exception report and is solely for the use of DAERA. The scope areas and controls covered by the audit have been tailored to DAERA and, as a result, the audit report is not intended to be used in comparison with other ICO audit reports.